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13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
15 SOUTHERN DIVISION
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17 In the Matter of the Complaint of
18 DORDELLAS FINANCE CORP.,
19 owner, and MSC MEDITERRANEAN
20 SHIPPING COMPANY S.A., Owner
21 *pro hac vice*, of the Motor Vessel MSC
DANIT, and its engines, tackle, apparel,
and appurtenances,

22 and

23 CAPETANISSA MARITIME
24 CORPORATION, Owner of the Motor
25 Vessel BEIJING, and her engines,
26 tackle, apparel, and appurtenances.
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Case No. 2:22-cv-02153-DOC-JDE
Case No. 2:22-mc-00213-DOC

**STIPULATED DISMISSALS AND
REQUEST FOR ENTRY OF
FINAL JUDGMENT**

Judge: Hon. David O. Carter

1 WHEREAS, on March 31, 2022, Dordellas Finance Corp., as owner, and
2 MSC Mediterranean Shipping Company S.A., as owner pro hac vice, of the Motor
3 Vessel MSC DANIT (collectively, the “Dordellas Parties”), initiated and filed a
4 complaint in the above-captioned action pursuant to the Limitation of Liability Act
5 of 1851, 46 U.S.C. §§ 30501 *et seq.* for exoneration from, or in the alternative,
6 limitation of liability for all losses, injuries, damages and deaths resulting from,
7 arising out of, or in connection with the October 1-2, 2021 oil spill off the coast of
8 California near Huntington Beach (the “Dordellas Limitation Action”) (ECF No. 1);

9 WHEREAS, on May 20, 2022, Capetanissa Maritime Corporation, as owner
10 of the Motor Vessel BEIJING (collectively, the “BEIJING Parties,” and together
11 with the Dordellas Parties, the “Limitation Plaintiffs”), initiated and filed a
12 complaint in Case No. 2:22-cv-03462 also pursuant to the Limitation of Liability
13 Act for exoneration from, or in the alternative, limitation of liability for all losses,
14 injuries, damages and deaths resulting from, arising out of, or in connection with the
15 October 1-2, 2021 oil spill off the coast of California near Huntington Beach
16 (“Capetanissa Limitation Action”) (lodged in the above-captioned action at ECF No.
17 58 at Exhibit A);

18 WHEREAS, by order dated May 25, 2022, the Court consolidated the
19 Dordellas Limitation Action and the Capetanissa Limitation Action into the above-
20 captioned action (the “Limitation Action”) (ECF No. 19);

21 WHEREAS, by order dated May 25, 2022, the Court issued notice and
22 monition to and against all persons and entities claiming losses, damages, injuries,
23 or death against the BEIJING or DANIT and admonishing them to appear and file
24 their respective claims and answers with the Clerk of the Court on or before
25 November 7, 2022 (ECF No. 20 at 2-3);

26 WHEREAS, pursuant to Court order, the Limitation Plaintiffs caused the
27 publication of the notice of monition in the Los Angeles Times and Orange County
28 Register, which are newspapers of general circulation in Orange County and Los

1 Angeles County, for five consecutive weeks on June 7, 14, 21, 28 and July 5, 2022,
2 such notice stating: “Any claimant desiring to contest the right of Plaintiff to
3 exoneration from, or limitation of, liability must also file an answer to the Plaintiff’s
4 Complaint on file herein, unless his or her claim has contained an answer, and serve
5 a copy of the same on Plaintiffs’ counsel on or before the date set forth above, as
6 required by the Federal Rules of Civil Procedure, Supplemental Rule F(5) for
7 Admiralty and Maritime Claims” (ECF Nos. 59, 68);

8 WHEREAS, on September 7, 2022, the Court ordered that supplemental
9 notice of the Limitation Action be given, including through social media (ECF No.
10 113), and subsequent orders by the Special Master Panel clarified that such
11 supplemental notice be given also by publication in newspapers of general
12 circulation and by direct notice (*see* ECF No. 132);

13 WHEREAS, on October 9, 2022, the monition period was extended from
14 November 7, 2022, to December 7, 2022 (*see* ECF No. 132);

15 WHEREAS, the Limitation Plaintiffs caused the publication of the
16 supplemental notice of monition in the Los Angeles Times and Orange County
17 Register for four consecutive weeks on October 18, October 25, November 2 and
18 November 9, 2022, such notice advising potential claimants that claims must be
19 filed in the Limitation Action by December 7, 2022;

20 WHEREAS, commencing October 21, 2022, the Limitation Plaintiffs caused
21 supplemental notice in substantially similar form as the publication notice to be
22 mailed to approximately 14,000 potential claimants (*see* ECF No. 150 at Exhibit C
23 ¶¶2-4);

24 WHEREAS, for the period October 19, 2022 through November 15, 2022, the
25 Limitation Plaintiffs caused the supplemental notice to be publicized through a
26 social media campaign on Twitter, Facebook and Instagram (*see* ECF No. 150 at
27 Exhibit C ¶¶6-9);

28 WHEREAS, pursuant to Supplemental Rule F(5), “[i]f a claimant desires to

1 contest either the right to exoneration from or the right to limitation of liability the
2 claimant shall file and serve an answer to the complaint unless the claim has
3 included an answer”;

4 WHEREAS, the only parties to file both claims and answers contesting
5 exoneration and/or limitation in the Limitation Action on or before the termination
6 of the extended monition period on December 7, 2022 were the following:

- 7 • On June 7, 2022, the named plaintiffs and proposed class representatives in
8 the related *Gutierrez* Action, Case No. No. 8:21- cv-01628 (collectively,
9 “Class Plaintiffs”) purported to file a class claim and answer (ECF No. 29),
10 and on December 7, 2022, purported to amend and/or refile their class claim
11 (ECF No. 171) and answer (ECF Nos. 166-167);
- 12 • On August 9, 2022, Markel International Insurance Company, Ltd., Ascot
13 Underwriting, Inc., and Certain Insurers At Lloyd’s of London And London
14 Markets Subscribing To Policy No. B0180ME2001399 (collectively, the
15 “Subrogated Insurers”) filed claims and answers (ECF Nos. 69-70);
- 16 • On August 10, 2022, Amplify Energy Corp., Beta Operating Company, LLC,
17 and San Pedro Bay Pipeline Company (collectively, “Amplify”) filed a claim
18 and answer (ECF No. 80), and on December 7, 2022, amended and/or refiled
19 their claim (ECF No. 168) and answer (ECF Nos. 169-170);
- 20 • On November 7, 2022, Marine Exchange of Los Angeles-Long Beach Harbor
21 dba Marine Exchange of Southern California (“Marine Exchange”) filed a
22 claim and answer (ECF No. 139);
- 23 • On December 7, 2022, Cosco Shipping Lines Co., Ltd. (“COSCO”) filed
24 claims and answers (ECF Nos. 160-161);
- 25 • On December 7, 2022, DCOR, L.L.C. and Channel Islands Capital, L.L.C.
26 (collectively, the “DCOR Parties”) filed claims and answers (ECF Nos. 162-
27 164); and
- 28 • On December 7, 2022, the Dordellas Parties and BEIJING Parties filed a

1 claim and answer as to one another (ECF Nos. 176-177);

2 WHEREAS, trial in the Limitation Action to adjudicate exoneration and
3 limitation was scheduled to commence on April 24, 2023 (*see* ECF No. 235) and the
4 only parties to participate in pretrial proceedings required by the Court (*see* ECF No.
5 239 (scheduling order)) were those that filed both claims and answers;

6 WHEREAS, prior to trial, the Limitation Plaintiffs reached settlements with
7 each of the Class Plaintiffs, Amplify, Subrogated Insurers, and DCOR Parties, and
8 in light of such settlements, Marine Exchange, COSCO and the Limitation Plaintiffs
9 agreed to withdraw or dismiss their claims once the settlements were finalized (*see*
10 ECF No. 384; *see also* ECF No. 386 at 2 (“settlements have been reached with all
11 claimants that would potentially participate in the April 24 Limitation Action
12 trial”));

13 WHEREAS, each of the parties to have contested exoneration or limitation in
14 the Limitation Action other than the Limitation Plaintiffs has since withdrawn or
15 dismissed their claims, including through ECF Nos. 287 (Withdrawal of Claim by
16 Amplify), 394 (Stipulated Dismissal by the DCOR Parties), 396 (Order of Dismissal
17 re the DCOR Parties), 397 (Stipulated Dismissal by the Subrogated Insurers), 405
18 (Stipulated Dismissal by Marine Exchange), and 406 (Stipulated Dismissal by
19 COSCO);

20 WHEREAS, on September 14, 2023, the Court granted final approval of the
21 class settlement with the Limitation Plaintiffs and affiliated entities, therein entering
22 judgment as to the plaintiffs’ and settlement classes’ class and individual claims as
23 to all claims against the Limitation Plaintiffs and affiliated entities, including in the
24 Limitation Action (Case No. 8:21-cv-01628, ECF No. 794);

25 WHEREAS, by and through this Stipulated Request, and pursuant to Federal
26 Rule of Civil Procedure 41(a)(1)(ii), each of the Limitation Plaintiffs hereby
27 dismisses with prejudice their claims filed in the Limitation Action with respect to
28 one another;

1 WHEREAS, the Limitation Plaintiffs therefore have now resolved the claims
2 of all claimants who contested Limitation Plaintiffs' right to exoneration or
3 limitation of liability by answering Limitation Plaintiffs' Complaints in the
4 Limitation Action (*see* Federal Rules of Civil Procedure, Suppl. R. F(5));


5 NOW, THEREFORE, the Court finds that the Limitation Plaintiffs provided
6 due notice of the pendency of this proceeding in compliance with Supplemental
7 Rule F, and in the absence of any remaining claimants to have contested exoneration
8 and/or limitation pursuant to Supplemental Rule F(5);

9 THE CLERK IS ORDERED TO ENTER JUDGMENT IN THE FORM
10 ATTACHED HERETO in favor of Dordellas Finance Corp., MSC Mediterranean
11 Shipping Company S.A. and the Motor Vessel MSC DANIT against all possible
12 claimants, known and unknown, AND in favor of Capetanissa Maritime Corporation
13 and the Motor Vessel BEIJING against all possible claimants, known and unknown;

14 IT IS FURTHER ORDERED THAT such judgment is intended to
15 constitute a final judgment in this Limitation Action pursuant to Federal Rule of
16 Civil Procedure 54.

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19 IT IS SO ORDERED, ADJUDGED AND DECREED.

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22 Dated: October 26, 2023



Honorable David O. Carter
United States District Court Judge